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9
 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF ARIZONA

12 **SETH D. HARRIS**,
 13 Acting Secretary of Labor,
 United States Department of Labor,

14 Plaintiff,

15 v.

16 **REGIS DEVELOPMENT, INC.**, an Arizona
 17 Corporation,
LEO LOIACANO, Individually and as Man-
 18 aging Agent of the corporate defendant,

19 Defendants.

) Case No.

) **COMPLAINT FOR**
) **INJUNCTIVE RELIEF**
) **AND TO RECOVER**
) **AMOUNTS DUE**
) **(Fair Labor Standards Act,**
) **29 U.S.C. 201 et seq.)**

20
 21 1) The plaintiff, Seth D. Harris, Acting Secretary of Labor, U.S. De-
 22 partment of Labor ("Secretary"), brings this action to enjoin defendants
 23 Regis Development, Inc., an Arizona Corporation and Leo Loiacano, indi-
 24 vidually and as managing agent of the corporate defendant ("Defendants"),
 25 from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Fair
 26 Labor Standards Act of 1938, as amended ("FLSA"), 29 U.S.C. §§
 27 215(a)(2)) and 215(a)(5), pursuant to FLSA Section 17, 29 U.S.C. § 217,
 28 and to recover unpaid overtime compensation owed under the FLSA to pre-

1 sent and former employees of the Defendants including those listed by
2 name on the attached Exhibit 1 to this Complaint.

3 2) This Court has subject matter jurisdiction under FLSA
4 § 17, 29 U.S.C. § 217; this Court also has subject matter jurisdiction under
5 28 U.S.C. § 1331 (federal question) and under 28 U.S.C. § 1345 (United
6 States as plaintiff).

7 3) Venue lies in the United States District Court, District of Ari-
8 zona, pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events
9 giving rise to these claims occurred in Maricopa County, Arizona.

10 4)(a) Defendant Regis Development, Inc., is and at all times material
11 has been an Arizona corporation, with an office and place of business at
12 4299 N. 43rd Avenue, Phoenix, AZ 85031, and at all times material has
13 been engaged in a property preservation and maintenance business;

14 (b) Defendant Leo Loiacano, an individual, at all times material
15 has acted directly or indirectly in the interest of the corporate Defendant in
16 relation to the employees of the corporate Defendant.

17 5) At all times material, the corporate Defendant was engaged in
18 related activities performed through unified operation or common control
19 for a common business purpose, and at all times has been an "enterprise" as
20 defined in FLSA § 3(r), 29 U.S.C. § 203(r).

21 6) At all times material, the enterprise has had employees en-
22 gaged in commerce or in the production of goods for commerce or in han-
23 dling, selling or otherwise working on goods or materials which have been
24 moved in or produced for commerce. This enterprise has had an annual
25 gross volume of sales made of no less than \$500,000.00 and is an "enter-
26 prise engaged in commerce or in the production of goods for commerce" as
27 defined in FLSA § 3(s), 29 U.S.C. § 203(s).

28 7) The Defendants have violated the provisions of FLSA §§ 7 and

1 15(a)(2), 29 U.S.C. §§ 207 and 215(a)(2), by employing employees en-
2 gaged in commerce or in the production of goods for commerce, within the
3 meaning of the FLSA, or employed in an enterprise engaged in commerce
4 or in the production of goods for commerce, within the meaning of FLSA §
5 3(s), 29 U.S.C. §203(s), for workweeks longer than 40 hours without com-
6 pensating these employees at rates not less than one and one-half times the
7 regular rates at which they were employed.

8 8) The Defendants have violated the provisions of FLSA §§ 11(c)
9 and 15(a)(5), 29 U.S.C. §§ 211(c) and 215(a)(5), by failing to maintain,
10 keep, make available to authorized agents of Secretary for inspection, tran-
11 scription and/or copying, and pre-serve records of their employees and of
12 the wages, hours, and other conditions and prac-tices of employment main-
13 tained, as prescribed by the regulations promulgated by the Secretary pur-
14 suant to the authority granted in the FLSA and published at 29 C.F.R. Part
15 516.

16 9)(a) During the period beginning on October 4, 2009, Defendants
17 violated the above-described provisions of the FLSA.

18 (b) As a result of the violations of the overtime provisions of the
19 FLSA, there is unpaid overtime compensation due under the FLSA that is
20 being withheld by the Defendants.

21 (c) Judgment permanently enjoining and restraining such viola-
22 tions of the FLSA is specifically authorized by FLSA § 17, 29 U.S.C. §
23 217.

24 (d) Judgment enjoining and restraining any continued withholding
25 of unpaid overtime compensation due under the FLSA is specifically au-
26 thorized by FLSA § 17, 29 U.S.C. § 217.

27 WHEREFORE, cause having been shown, the Secretary prays for
28 judgment as follows:

1 A. (i) For an order pursuant to FLSA § 17, 29 U.S.C. § 217, perma-
2 nently enjoining and restraining the Defendants, their officers, agents, serv-
3 ants and employees, and all persons in active concert or participation with
4 them, from violating the provisions of FLSA §§ 15(a)(2) and 15(a)(5), 29
5 U.S.C. §§ 215(a)(2) and 215(a)(5), and

6 (ii) Pursuant to FLSA § 17, 29 U.S.C. § 217, restraining the De-
7 fendants, their officers, agents, servants and employees and all persons in
8 active concert or participation with them, from continuing to withhold the
9 payment of any unpaid overtime compensation found to be due to present
10 and former employees listed by name on the attached Exhibit 1, and,

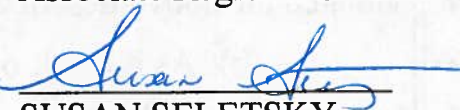
11 B. Such other and further relief as the Court deems necessary.

12 Dated: July 1, 2013

M. PATRICIA SMITH
Solicitor of Labor

14 JANET M. HEROLD
15 Regional Solicitor

16 DANIEL J. CHASEK
17 Associate Regional Solicitor

18 
19 SUSAN SELETSKY,
20 Attorney
21 U.S. Department of Labor

22 Attorneys for the Plaintiff
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Exhibit 1

	Last Name	First Name
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3	Adair	Aaron
4	Alarcon	Jose
5	Almanza	Christopher
6	Alvarez	Hugo
7	Amaya	Ralph
8	Anderson	Jamin
9	Armenta	Miguel
10	Bagsby	Ruben
11	Baize	Kevin
12	Beltran	Armando
13	Beltran	Enrique
14	Bermudez	Ricardo
15	Blackmon	Russell
16	Box	Herman
17	Bramley	Michael
18	Branham	Howell
19	Branham	Jason
20	Branham	Steven
21	Brown	Perry
22	Brueggeman	Malcolm
23	Candelaria	David
24	Canela	Mario
25	Canyon	Anthony
26	Capaci	Ray
27	Castorena	Philip
28	Chalupp	David
29	Chapman	Nicholas
30	Charley	Dino
31	Chasten	Clark
32	Chavez	Abel
33	Chruscinskoi	Kevin
34	Clampitt	Jenny
35	Clark	Michael
36	Clayton	Daniel
37	Cleary	Diana
38	Clements	Joel
39	Colone	Joel
40	Comellier	Nichelle
41	Comer	Jock
42	Contreras	Joseph

1	Last Name	First Name	
2	Copeland	Stephanie	
3	Cornellier	Angela	
4	Craven	Jeremy	
5	Current	Kenneth	
6	Dawson	Chaunce	
7	Diaz	Joseph	
8	Diminio	John	
9	Downer	Anthony	
10	Eaton	Charles	
11	Ehresman	Scott	
12	Ekstrom	Tyler	
13	Esparza	Christopher	
14	Etsitty	Darlene	
15	Fellenz	Randy	
16	Fimbres	Sonia	
17	Fischer	Ken	
18	Fischer	Marshall	
19	Flanders	Shawn	
20	Flores-Modesto	Margarito	
21	Fofana	Kristina	
22	Fortuna	Paul	
23	Francis	Albert	
24	Francis	Thomasita	
25	Francis	Tommy	
26	Fuentes	Michael	
27	Galdones	Justin	
28	Garcia	David	
29	Garcia	Dominic	
30	Garcia	Ernest	
31	Garcia	Estevan	
32	Glahn	Bruce	
33	Gleeson	Tony	
34	Gomez	Antonio	
35	Gregg	Terron	
36	Guerra	Marco	
37	Guerrero	Sergio	
38	Haller	Thomas	
39	Hampshire	Larry	
40	Hannafin	Courtney	
41	Haro	Salvador	
42	Harrison	Steven	
43	Hart	Ariel	

1	Last Name	First Name	
2	Hazlett	Brian	
3	Hemmerling	David	
4	Henth	David	
5	Hermosillo	Homero	
6	Hernandez	Martin	
7	Hertanu	Denny	
8	Higareda	Fernando	
9	Hirsch	Michael	
10	Hompkins	Chris	
11	Hudson	Jerry	
12	Hundelt	Ashlee	
13	Jackowski	Jaroslav	
14	Jake	Shawna	
15	Jameson	Larry	
16	Jaramillo	Steven	
17	Jasso	Lydia	
18	Johnson	Joseph	
19	Johnson	Philip	
20	Kaitschuck	Duane	
21	Kasper	Minnie	
22	Kaye	Averill	
23	Kelly	Brandy	
24	Kobey	David	
25	Koss	Jeffrey	
26	Laderoot	Shannon	
27	Lamb	Terry	
28	Lauro	Jay-Mycele	
29	Littlepage	Bill	
30	Long	Matthew	
31	Lopez	Rachael	
32	Lopez	Samuel	
33	Loux	Jonathan	
34	Lunn	Russell	
35	Martin	Anthony	
36	Martinez-Ramirez	Fernando	
37	Martinotti	James	
38	Marty	John	
39	Mcarthur	Adam	
40	Medina	Jorge	
41	Medrano	Juan	
42	Mellott	Ronald	
43	Meneou	Alan	

1	Last Name	First Name	
2	Merrill	Jason	
3	Mesa	Carey	
4	Mexia	Juan	
5	Meza	Daniel	
6	Miller	Carley	
7	Mondoza	Bennie	
8	Morales Martinez	Ely	
9	Moreno	Matilde	
10	Morisse	Ryan	
11	Mullet	Harold	
12	Murray	Patrick	
13	Nava	Tomas	
14	Naylor	Timonthy	
15	Nielsen	Douglas	
16	Nino	Javier	
17	Nobel	Kurt	
18	Nutter	Warren	
19	Olivares	Josie	
20	Olivares	Toni	
21	Olson	Eric	
22	Ondap	Johanna	
23	Ortiz	Heidi	
24	Otteson	Chad	
25	Owen	Michael	
26	Palmer	Kellen	
27	Parker	Forest	
28	Pearson	Ronald	
29	Pina	June	
30	Plath	Isreal	
31	Poe	Susan	
32	Pros	Mary	
33	Pros	Nicholas	
34	Przybyl	Ronald	
35	Ramos	Luis	
36	Ramos	Raul	
37	Ramsey	Lucas	
38	Rebollo	Anthony	
39	Redman	Ryan	
40	Reimann	Christopher	
41	Reynolds	Jeffrey	
42	Richards	Kyle	
43	Rico	Eddie	

1	Last Name	First Name	
2	Rios	Alejandro	
3	Rios	Carlos	
4	Rios	Efren	
5	Rios	Vaneesha	
6	Rios-Verdugo	Jesus	
7	Roach	Heath	
8	Robbins	Derrick	
9	Robertson	Justin	
10	Rogers	Patrick	
11	Romero	Freddie	
12	Romualdo	Mauro	
13	Ross	John	
14	Ross	Julie	
15	Schrader	Shanda	
16	Scruggs	Mark	
17	Sessler	Charles	
18	Shaver	Sheridan	
19	Sigueiros	Enrique	
20	Singer	Mark	
21	Sotelo	Marcelo	
22	Soto	Efrain	
23	Spence	Shilo	
24	Stephenson	Michael	
25	Taylor	Demarcus	
26	Tennant	Scott	
27	Tizio	Paul	
28	Toon	Cynthia	
29	Townsend	Nicholas	
30	Trevino	Paul	
31	Turrey	Francisco	
32	Valdez	Erendida	
33	Valenzuela	Antonio	
34	Valley	Chad	
35	Vasquez	Seberino	
36	Verdugo	Jesus	
37	Villanueva	Carlos	
38	Villegas	Ricardo	
39	Vincent	Richard	
40	Wells	Phillip	
41	Werle	Brandon	
42	Werle	Joshua	
43	Wheeler	Preston	

1	Last Name	First Name	
2	Williamson	George	
3	Willwerth	Jason	
4	Yanez	Santiago	
5	Zamudio	Rafael	
6	Zaragoza	Ann	

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